



**Washington State Senate**

**Senator Tim Erwin**  
44th Legislative District

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December 16, 1992

**Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463**

**Re: Preemption of State Law**

**AOR 1992-43**

**Dear General Counsel:**

Request is hereby made for an opinion from the Federal Election Commission regarding whether federal law preempts the application of Section 11 of Initiative 134 to public officials seeking to retire federal elective office election campaign debt. Initiative 134 is a campaign contribution limitation initiative which received a favorable vote of the people of the State of Washington in November of 1992. I have attached a copy of Initiative 134 to this letter. I would request that you expedite your response in light of the exigent need for members of the Washington State Legislature to comply with Initiative 134.

Myself and several other members of the Washington State Legislature sought federal elective office in the last election. The Washington State Legislature's 1993 session will commence January 11, 1993.

Initiative 134 places new restrictions on fundraisers held before, while, or after the Washington State Legislature is in session:

During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment . . . no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt.

**Section 11, Initiative 134.**

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Section 11 of Initiative 134 is to be codified as part of a new subchapter of Chapter 42.17 RCW. Section 33, Initiative 134.

The provisions of Chapter 42.17 RCW which relate to financing of election campaigns do not apply to election campaigns for federal elective office. RCW 42.17.030. The inapplicability of those state provisions to federal elective office campaigns stems, in part, from the federal government's regulation of federal campaign financing. The Federal Election Campaign Act supersedes and preempts state law with respect to election of candidates to federal offices. 2 U. S. C. s 453.

Thus I pose to you the following question:

Does the Federal Election Campaign Act or other federal legislation or regulation preempt Section 11 of Initiative 134 so that state officials retiring federal election campaign debts may solicit or accept contributions before, while, or after the Washington State Legislature is in session?

Respectfully,



Senator Tim Erwin  
Washington State Senate